FW

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,088	06/06/2000	Jeffrey G. Reh	TI-29015	8880

23494 7590 06/22/2005

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

EXAMINER	
HUBER, PAUL W	

ART UNIT	PAPER NUMBER
2653	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/588,088	REH ET AL.	
	Examiner	Art Unit	
	Paul Huber	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *6-8,10-13,16,17 and 22-25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,9,14,15 and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

As a preliminary matter, the applicants' in the remarks filed April 20, 2004 requested clarification as to why the examiner has withdrawn claims 6-8, 10-13, 16, 17 and 22-25 from consideration (claims 1-5, 9, 14, 15 and 18-21 were examined), wherein the applicants elected Species III (an optical disc storage device) and identified claims 1-5, 10, 14-16 and 18-23 as readable on the elected species. It is the examiner's position that only claims 1-5, 9, 14, 15 and 18-21 read upon the elected Species III disclosing an optical disc storage device. Claims 10, 16, 22 and 23 do not relate to an optical disc storage device, but rather relate to a magnetic disc storage device which is patentably distinct and were therefore withdrawn from consideration as reading on a non-elected Species.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The drawings filed on June 6, 2000 are acceptable subject to correction of the informalities indicated on the "Notice of Draftsperson's Patent Drawing Review," PTO-948, mailed on January 20, 2004.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9, 14, 15, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuyuguchi et al. (USP-5,425,014).

Regarding claims 1-5, 9, 18 & 19, Tsuyuguchi et al. discloses a mass memory storage device and a method of reading data stored on a mass memory storage medium 12, the mass memory storage device comprising: a support arrangement (e.g., spindle motor 16) configured to support the mass memory storage medium 12 which stores data at a substantially uniform density (i.e., CLV disk; see col. 2, lines 56-62); a drive arrangement 18 operatively connected to the support arrangement 16 such that the drive arrangement 18 rotates the mass memory storage medium 12 at a substantially constant rotational speed when the mass memory storage device is operated in

its intended way (see col. 2, line 66, through col. 3, line 12); a read head 20 for reading the data stored on the mass memory storage medium 12, the read head 20 being positioned adjacent to the stored data on the medium 12 and the read head 20 being movable relative to the medium (by positioning means 22) such that when the mass memory storage medium 12 is rotated at the constant speed, the data is read at a variable rate (see col. 2, lines 66-68, and abstract, lines 8-12); and a read channel arrangement 28 for processing the data read by the read head 20, the read channel arrangement 28 having a substantially continuously variable read channel data processing rate (by clock 44) which varies according to the rate at which the read head 20 reads the data from the mass memory storage medium 12.

Regarding claims 14 & 15, the mass memory storage device disclosed by Tsuyuguchi et al. inherently includes a housing that receives and supports the mass memory storage medium 12 as claimed.

Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimaru (USP-4,984,227).

Yoshimaru discloses a method of storing data on a mass memory storage medium having a substantially uniform data storage density. See figure 1, col. 2, lines 34-39, and abstract. A mass memory storage medium 1 is supported by motor 3 for rotation. The medium 1 is rotated at a substantially constant speed by driver 17. See col. 1, lines 66-67. Using a write head 12, data is stored to the medium 1 by positioning the write head 12 adjacent to a desired portion of the medium 1 while the medium is rotated at the constant speed and moving the write head 12 relative to the medium 1 as the data is stored. Then, using a write head controller (elements 22, 23 & 15) having a continuously variable data storing rate, the data is stored on the medium 1 by varying the data storing rate according to the position of the write head 12 such that the data is stored at a substantially uniform density. See col. 1, lines 61-68, and abstract.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 571-272-7588.

Paul Huber
Primary Examiner
Art Unit 2653

pwh
June 17, 2005